

authorize the incidental take of the endangered San Joaquin kit fox (*Vulpes macrotis mutica*), blunt-nosed leopard lizard (*Gambelia silus*), Tipton kangaroo rat (*Dipodomys nitratoideus nitratoideus*), San Joaquin woollythreads (*Lembertia congdonii*), California jewelflower (*Caulanthus californicus*), Kern mallow (*Eremalche kernensis* or *E. parryi* ssp. *kernensis*) and the threatened Hoovers eriastrum (*Eriastrum hooveri*) and/or their habitat during the implementation of oil drilling activities.

The Service also announces the availability of an environmental assessment (EA) for the incidental take permit application, which includes the proposed habitat conservation plan (HCP) fully describing the proposed project and mitigation, and the accompanying implementing agreement (IA). This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the permit application, EA and IA should be received on or before November 24, 1995

**ADDRESSES:** Comments regarding the application or adequacy of the EA and IA should be addressed to Mr. Joel Medlin, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825. Please refer to permit number PRT-807633 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Horton or Ms. Jody Brown, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825 (916-979-2725).

#### **SUPPLEMENTARY INFORMATION:**

##### **Availability of Documents**

Individuals wishing copies of the documents should immediately contact the Service's Sacramento Field Office at the above referenced address, or by telephone at (916) 979-2725. Documents will also be available for public inspection, by appointment, during normal business hours at the above address.

##### **Background**

Section 9 of the Act, and its implementing regulations, prohibits the taking of a species listed as threatened or endangered. However, the Service, under limited circumstances, may issue permits to take listed species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered

species are promulgated at 50 CFR 17.22 and 17.32.

Vintage Petroleum Inc. is proposing to drill two exploratory oil wells to determine whether the suspected oil reserves actually exist. Many of the oil fields in Kern County are nearing the end of their productivity. Therefore, efforts to continue oil recovery are becoming more difficult, often requiring steam injection or other means to extract trapped oil. However, because of advancements in technology, previously unidentified strata may now be mapped and identified. By drilling an exploratory well, it can be determined whether or not the oil reservoirs are sufficient for the well to be commercially productive. Though the proposed project would remove 5 acres of suitable habitat for the San Joaquin kit fox, blunt-nosed leopard lizard, Tipton kangaroo rat, San Joaquin woollythreads, California jewelflower, Kern mallow and Hoovers eriastrum, the HCP involves implementation of measures to minimize effects to the environment by utilizing existing roadways for all construction related activities, and designating Habitat Management Lands to compensate for the natural lands lost. Compensation ratios for permanently disturbed habitat areas will be 3:1 (3 acres preserved for every 1 acre permanently disturbed); for areas considered to be temporarily disturbed, a ratio of 1:1 will be used (1.1 acres preserved for every 1 acre temporarily disturbed). In addition, direct harassment of any endangered species will be avoided to the greatest extent practicable.

The EA considers the environmental consequences of three alternatives. The no action alternative would result in no immediate environmental impacts, but was rejected because it would deny Vintage Petroleum Inc. the opportunity to develop and recover potential oil resources at this site. Alternative 1 would relocate the well center to an area where disturbance and associated impacts will be reduced. This alternative, however, may not be feasible dependant upon drilling limitations, distance the well hole would be moved, and the potential to hit the predicted oil reservoirs below. Moving the well location could result in a greater loss of habitat as well as impacts to threatened and endangered species. This alternative has been thoroughly reviewed and eliminated from further consideration because it would have the potential for greater adverse ground impacts in the short and long term. The Service considers implementation of the proposed HCP in connection with a section 10(a)(1)(B)

permit to be an effective means to reconcile oil drilling activities with the section 9 listed species take prohibition and other conservation mandates under the Act.

This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act of 1969 (NEPA) regulations (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the listed species. The final NEPA and permit determination will be made no sooner than 30 days from the date of this notice.

Dated: October 18, 1995.

William F. Shake,

Acting Deputy Regional Director, Region 1,  
Portland, Oregon.

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#### **Availability of Draft Environmental Impact Statement for Proposed Issuance of a Permit to Allow Incidental Take of Golden-Cheeked Warbler, Black-Capped Vireo, and Six Karst Invertebrates in Travis County, Texas**

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of availability of a draft Environmental Impact Statement (EIS) for the proposed issuance of a section 10(a)(1)(B) permit to allow the incidental take of golden-cheeked warblers, black-capped vireos, and six karst invertebrates for land development on private lands in Travis County, Texas.

**SUMMARY:** The city of Austin and Travis County have applied for a permit for the U.S. Fish and Wildlife Service to allow for incidental take of federally-listed endangered species black-capped vireo, golden-cheeked warbler, and six karst invertebrates under section 10(a)(1)(B) of the Endangered Species Act. This will be incidental to otherwise lawful activities that would occur as a result of clearing of vegetation and grading or other earth-moving activities necessary for residential, commercial, and industrial construction and infrastructure projects within Travis County, Texas.

The proposed permit will allow approved incidental take outside of proposed preserve lands within the proposed permit boundaries. In general,

this area includes all of the lands within Travis County, excluding that portion of Balcones Canyonlands National Wildlife Refuge that falls within Travis County, and the city limits and planning jurisdictions of municipalities not participating in the Balcones Canyonlands Conservation Plan. The permit period is 30 years. Potential development for this time period is estimated to affect between 30,000 and 60,000 acres within the permit area. Of the approximately 2,000 acres of known occupied black-capped vireo habitat located within Travis County, 933 acres will be preserved within the Conservation Plan area and approximately 1,000 acres will be subject to incidental take in the permit area. For the golden-cheeked warbler, approximately 26,753 acres of potential habitat is located within the permit area and may be subject to incidental take. This potential warbler habitat could support from 1,605 to 3,210 pairs of warblers. Of the 45,368 acres of potential karst invertebrate habitat occurring in the permit area, approximately 38,349 acres will be unprotected by the proposed Conservation Plan.

To minimize and mitigate the impacts of take, the applicants propose to conserve a minimum of 30,428 acres of black-capped vireo and golden-cheeked warbler habitat in a preserve system; provide for the ongoing maintenance, patrol, and biological management of the conserved habitat; conduct the biological monitoring and research activities in support of the Conservation Plan; and provide funds to implement the habitat Conservation Plan. Alternatives considered include no action; issuance of the permit with the submitted Balcones Canyonlands Conservation Plan and a 30,428 acre preserve; and issuance of the permit with the submitted Balcones Canyonlands Conservation Plan and a 35,428 acre preserve.

**DATES:** Comments will be accepted until 60-days from the date of publication of the Notice of Availability by the Environmental Protection Agency in the Federal Register.

**ADDRESSES:** Comments should be sent to the U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200; Austin Texas 78758.

**FOR FURTHER INFORMATION CONTACT:** Joseph E. Johnston, U.S. Fish and Wildlife Service, Ecological Services Field Office, 10711 Burnet Road, Suite 200; Austin, Texas (telephone (512) 490-0063; facsimile (505) 490-0974.

**SUPPLEMENTARY INFORMATION:** A limited number of individual copies of the draft

EIS may be obtained by contacting the above address. Copies of the draft EIS summary will be sent to everyone currently on the U.S. Fish and Wildlife Service's mailing list for information on the Balcones Canyonlands Conservation Plan. Copies of the draft EIS summary are available upon request.

Copies of the draft EIS are available for inspection at public locations throughout Travis County. For specific locations contact Joseph E. Johnston at the above address.

A public hearing is scheduled to be held from 6 to 10 p.m. on Tuesday November 14, 1995, at the Lake Travis District Auditorium, 3323 Ranch Road 620 South, Austin, Texas, 78734.

Dated: October 6, 1995.

Lynn B. Starnes,

*Acting Regional Director, Southwest Region,  
U.S. Fish and Wildlife Service.*

[FR Doc. 95-26441 Filed 10-24-95; 8:45 am]

**BILLING CODE 4310-55-M**

## **Bureau of Land Management**

**[OR-094-05-6310-04: G6-009]**

### **Amendment to Emergency Closure of Public Lands; Douglas County, Oregon**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Emergency closure of public lands and access roads in Douglas County, Oregon.

**SUMMARY:** Notice is given that Emergency Closure Notice published in Federal Register, Volume 60, No. 189, Friday, September 29, 1995, page 50638 is hereby amended. The closure is made under the authority of 43 CFR 8364.1. Notice is given that certain public lands and access roads in Douglas County, Oregon are temporarily closed to all public use, including but not limited to vehicle operation, camping, shooting, hiking, and sightseeing from September 26, 1995 through May 31, 1996.

The public lands affected by this emergency closure are specifically identified as follows:

Willamette Meridian, Oregon

T. 19 S., R. 8 W.

Sec. 7: All that portion of Section 7 lying North and West of Dunn Ridge Road (BLM Road No. 18-8-28.1).

All roads on the public lands listed above are closed, including but not limited to BLM Roads Nos. 19-8-7, 19-8-7.2, 19-8-7.3 and 19-8-7.4.

Through traffic only will be permitted on Dunn Ridge Road (BLM Road No. 18-8-28.1). No loitering, stopping, parking, or pedestrian traffic is permitted within 100 yards south and

east of Dunn Ridge Road (BLM Road No. 18-8-28.1) lying within Section 7.

The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: Bureau employees; state, local and federal law enforcement and fire protection personnel; the holders of BLM road use permits that include roads within the closure area; and the purchaser of BLM timber within the closure area including its employees and subcontractors. Access by additional parties may be allowed, but must be approved in advance in writing by the Authorized Officer.

Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0-7, which include a fine not to exceed \$1,000.00 and/or imprisonment not to exceed 12 months, as well as the penalties provided under Oregon State law.

The public lands and roads temporarily closed to public use under this order will be posted with signs at points of public access.

The purpose of this emergency temporary closure is to protect persons from potential harm from logging operations, to protect valuable public timber resources from unauthorized damage, and to facilitate authorized timber harvest operations.

**DATES:** This closure is effective from September 26, 1995 through May 31, 1996.

**ADDRESSES:** Copies of the closure order and maps showing the location of the closed lands and roads are available from the Eugene District Office, P. O. Box 10226 (2890 Chad Drive), Eugene, Oregon 97440-2226.

**FOR FURTHER INFORMATION CONTACT:** Terry Hueth, Coast Range Area Manager, Eugene District Office, at (503) 683-6600.

Dated: October 19, 1995.

Terry Hueth,

*Coast Range Area Manager.*

[FR Doc. 95-26406 Filed 10-24-95; 8:45 am]

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**[NM-931-06-1020-00]**

### **New Mexico Resource Advisory Council Meeting**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Council Meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C.